

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Chase Gelakoski,  Plaintiff,  vs.  Integrity Financial Partners, Inc., <i>a foreign corporation</i> ,  Defendant.	<b>COURT FILE NO.:</b> _____  <b><u>COMPLAINT</u></b>  <b><u>JURY TRIAL DEMANDED</u></b>
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**INTRODUCTION**

1. This action arises out of Defendant’s violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”). Plaintiff received multiple telephonic messages in which Defendant, a debt collector, failed to identify itself, in violation of 15 U.S.C. §§ 1692d, 1692d(6), 1692e and 1692e(11).

**JURISDICTION**

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

**PARTIES**

4. Plaintiff Chase Gelakoski (hereinafter “Gelakoski” or “Plaintiff”) is a natural person residing in the County of Dakota, State of Minnesota, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
5. Defendant Integrity Financial Partners, Inc. (“IFP” or “Defendant”), upon information and belief, is a foreign corporation that operates as a debt collection agency from an

address of 4370 West 109<sup>th</sup> Street, Suite 100, Overland Park, Kansas. IFP is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

**FACTUAL ALLEGATIONS**

6. Plaintiff allegedly incurred a financial obligation with unknown creditor, which is a creditor as that term is defined by 15 U.S.C. § 1692a(4).
7. The alleged obligation was primarily for personal, family or household purposes, which is an alleged “debt” as that term is defined by 15 U.S.C. § 1692a(5), namely a consumer debt.
8. Plaintiff’s alleged debt was consigned, placed or otherwise transferred to Defendant for collection from Plaintiff sometime before January 2010.
9. In January 2010, and continuing through March 2010, Defendant communicated with Plaintiff by leaving telephonic messages in an attempt collect this debt, which was a communication in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).
10. In these scripted telephonic messages, Defendant did not provide a meaningful disclosure as required by 15 U.S.C. § 1692d(6) because Defendant failed to state the identity of the company/caller and the purpose of the telephone call. Defendant also violated 15 U.S.C. § 1692e(11) because Defendant failed to disclose to the Plaintiff that Defendant is a debt collector.
11. Specifically, for example, IFP left the following scripted message on January 30, 2010 at 9:31 AM: “Chase Gelakoski. This is Travis Hendricks. I need you to contact my office. The number you can reach me at is 866-951-2350.” End of message.

12. On or about February 5, 2010 at 10:17 AM, Defendant left another scripted message, which stated: "Chase Gelakoski. This is Travis Hendricks. I need you to contact my office. The number is 866-951-2350." End of message.
13. On or about March 10, 2010 at 4:22 PM, Defendant left another scripted message, which stated: "This is for Chase. Please call 866-951-2350." End of message.
14. On or about March 17, 2010 at 2:41 PM, Defendant left another scripted message, which stated: "Please call 866-951-2350. Ask for Louise. It is important that you do return this call. We will be available on Sunday from 10:00 AM to 2:00 PM central time for your convenience. Again, 866-951-2350. Please ask for Louise." End of message.
15. Defendant's conduct caused Plaintiff actual damages under the FDCPA in the form of emotional distress, fear, humiliation and anxiety from being harassed IFP.
16. Plaintiff has incurred actual damages under the FDCPA in the form of out-of-pocket expenses as a result of IFP's acts and omissions.

**TRIAL BY JURY**

17. Plaintiff is entitled to and hereby demands a trial by jury. US Const. Amend. 7. Fed. R. Civ. Pro. 38.

**CAUSES OF ACTION**

**COUNT I.**

**VIOLATIONS OF THE  
FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. § 1692 ET SEQ.**

18. Plaintiff incorporates by reference each and every above stated allegation as though fully stated herein.

19. The foregoing acts of the Defendant constitute distinct violations of the FDCPA against the Plaintiff herein, including but not limited to each and every one of the above cited provisions of the FDCPA, 15 U.S.C § 1692 et. seq.
20. As a result of said violations, Plaintiff has suffered actual damages in the form of humiliation, anger, anxiety, emotional distress, fear, frustration, and embarrassment, amongst other negative emotions, and therefore Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1) of the FDCPA.
21. As a result of said violations, Plaintiff has incurred out-of-pocket expenses, and therefore Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1) of the FDCPA.
22. As a result of said violations, Plaintiff is entitled to statutory damages of \$1,000.00 from Defendant, and for Plaintiff's attorney fees and costs pursuant to 15 U.S.C. § 1692k(a)(2)(A) and 15 U.S.C. § 1692k(a)(3).

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully prays that this Court enter the following judgment, in Plaintiff's favor:

#### **COUNT I: FDCPA VIOLATIONS**

- For declaratory and injunctive relief;
- For an award of statutory damages of \$1,000.00 for the Plaintiff herein, for violations of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A), against Defendant;
- For an award of costs and reasonable attorneys' fees under the FDCPA pursuant to 15 U.S.C. § 1692k(a)(3), against Defendant, for Plaintiff herein;

- For an award of actual damages, costs and reasonable attorney fees pursuant to 15 U.S.C. §1692k(a)(1) against Defendant herein in an amount to be determined at trial; and;
- For such other and further relief as may be just and proper.

Dated: April 9, 2010.

**MARSO AND MICHELSON, P.A.**

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Dated: April 9, 2010.

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